

AMENDED IN ASSEMBLY APRIL 15, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2532**

**Introduced by Assembly Member Hancock**

February 20, 2004

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An act to add Section 6403.5 to the Labor Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2532, as amended, Hancock. Hospitals: lift teams.

Existing law regulates the operation of health facilities, including hospitals.

~~This bill would declare the intent of the Legislature to enact legislation to require hospitals to provide lift teams to assist health care workers, and to require workers' compensation insurers to reduce rates for hospitals that provide lift teams.~~

*Existing law, the California Occupational Safety and Health Act of 1973, establishes certain safety and other responsibilities of employers and employees, including, but not limited to, the requirement that no employer shall fail or neglect to provide safety devices or safeguards reasonably necessary to render the employment safe. Willful or repeated violations are a crime.*

*This bill would require each general acute care hospital to establish a health care worker back injury plan and to provide as part of this plan, at least one designated lift team trained to lift and transfer patients. By changing the definition of a crime, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. ~~(a)~~—The Legislature finds and declares all of the  
2 following:

3 ~~(1)~~—

4 (a) Health care workers, 95 percent of whom are women, lead  
5 the nation in work-related musculoskeletal disorders (MSDs). In  
6 1999, the Bureau of Labor Statistics identified “health care  
7 patient” as the source of 59,002 MSDs. In 2000, data showed that  
8 certified nurse assistants ~~(CNA’s), registered nurses (RN’s)~~  
9 (CNAs), *registered nurses (RNs)*, and licensed practical nurses  
10 ~~(LPN’s) (LPNs)~~ combined suffered 62,332 MSDs, 17,005 more  
11 than truckers, who were listed as number one, with 45,327 MSDs.

12 ~~(2)~~—

13 (b) Research indicates that nurses lift an estimated 1.8 tons per  
14 shift. Eighty-three percent of nurses work in spite of back pain, and  
15 60 percent of nurses fear a disabling back injury. Twelve percent  
16 to 39 percent of nurses not yet disabled are considering leaving  
17 nursing due to back pain and injuries. Between 38 and 50 percent  
18 of nurses will suffer a work-related back injury during their career.  
19 Seventy percent of nurses’ back injuries are to the lumbar spine  
20 with 57 percent to intervertebral discs. Forty-four percent of  
21 nurses with back injuries are unable to return to their preinjury  
22 position.

23 ~~(3)~~—

24 (c) The National Institute of Occupational Safety and Health  
25 (NIOSH) has established 51 pounds as the safety limit for men to  
26 lift, 46 pounds for women, and 3,400 (newtons) as the safety limit  
27 for compressive force to lumbar spinal discs.

28 ~~(4)~~—



(d) Manual lifting of patients has been condemned for years by governments and nursing organizations in other countries. The underaxilla “drag” lift, used 98 percent of the time by American nurses, is outlawed as unsafe to both nurses and patients by England’s Royal College of Nursing (RCN). “No lifting” policies of the RCN and Australian Nursing Federation (ANF) discourage health care staff from attempting to lift any patient manually, whatever their weight with the objective of eliminating hazardous manual handling in all but exceptional or life-threatening situations. Nurses in England and some other countries may be subject to discipline by their employers if they manually lift patients, while many American nurses are still required to do so.

~~(5)–~~

(e) With the United States shamefully lagging behind, other countries are aggressively protecting nurses from preventable back injury. Sponsored by the Department of Human Services, the Victoria, Australia, government expended seven million seven hundred thousand dollars (\$7,700,000) to fund the Victorian Nurses’ Back Injury Prevention Project. The project led to a 48 percent reduction in nurses’ back injury WorkCover claims for workers’ compensation, a 74 percent reduction in lost workdays, and a 54 percent drop in costs related to claims. The program will recover its costs within a year and will save nearly thirteen million dollars (\$13,000,000) annually on nurse back injury payouts, with the health industry expecting premiums to drop sharply in line with the reduction in claims.

~~(b) It is therefore the intent of the Legislature to enact legislation in subsequent amendments for both of the following purposes:~~

~~(1) To require hospitals to provide lift teams for health care workers, with the goal of reducing preventable back injuries.~~

~~(2) To require insurance companies that provide workers’ compensation coverage to hospitals to reduce rates for hospitals that provide lift teams.~~

SEC. 2. Section 6403.5 is added to the Labor Code, to read:

6403.5. (a) As part of their injury and illness prevention programs required by this chapter, all general acute care hospitals as defined in subdivision (a) of Section 1250 of the Health and Safety Code shall adopt a health care worker back injury

1 *prevention plan. As part of their plan, each hospital shall provide*  
2 *at least one designated lift team for each shift.*

3 *(b) Lift team members shall be given specialized training and*  
4 *shall demonstrate competency in safe techniques for lifting*  
5 *patients and the appropriate use of lifting devices and equipment.*  
6 *Lift teams shall utilize lifting devices and equipment when*  
7 *assisting health care workers throughout the hospital to lift*  
8 *patients unless specifically contra-indicated for the patient's*  
9 *condition or medical status.*

10 *(c) For purposes of this section, "lift team" means hospital*  
11 *employees specially trained to handle patient lifts and transfers.*

12 *(d) Hospitals are encouraged to provide training for all health*  
13 *care workers on appropriate patient and equipment lifting*  
14 *procedures.*

15 *(e) A health care worker who refuses to lift a patient due to*  
16 *concerns about worker and patient safety and the lack of trained*  
17 *lift team personnel or equipment may not, based upon the refusal,*  
18 *be the subject of disciplinary action by the hospital or any of its*  
19 *managers or employees.*

20 *SEC. 3. No reimbursement is required by this act pursuant to*  
21 *Section 6 of Article XIII B of the California Constitution because*  
22 *the only costs that may be incurred by a local agency or school*  
23 *district will be incurred because this act creates a new crime or*  
24 *infraction, eliminates a crime or infraction, or changes the penalty*  
25 *for a crime or infraction, within the meaning of Section 17556 of*  
26 *the Government Code, or changes the definition of a crime within*  
27 *the meaning of Section 6 of Article XIII B of the California*  
28 *Constitution.*

